

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY, 1998

BEFORE

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HOUSE NEXT REVISION PETITION NO: 718/1998

BETWEEN:

Dr. Gopala Krishna
75 years,
s/o Gangaiah,
No. 117/53,
8th 'B' Main Road,
IV Block, Jayanagar,
Bangalore-11.

PETITIONER

(By Sri.S.V.Raghavachar, Adv.,)

AND:

1. Sri. Pookraj D Jain,
68 yrs,
s/o Dhoolchand,

2. Sri. Shantilal
41 yrs

3. Sri. Mohan Lal
38 yrs

4. Sri. Subhashchandra,
36 yrs

5. Sri. Bharath Kumar,
31 yrs.

2 to 5 are sons of
Sri. Pookraj D Jain,
584 10th cross, 7th block,
Jayanagar, Bangalore 11.

6. Sri. Madan I Mugadam
M. Mahesh, 51 yrs
s/o Sri. Mugadam
117/53, I floor,
3 Main Road,
IV Block, Jayanagar
Bangalore.

now residing at P.A. Box No. 10966,
RUMALI, 11443, KDA.

RESPONDENTS

This petition is filed under Xpraying that this Hon'ble Court be pleased to call for the records in H.R.C.No.1134/1992 on the file of the Additional Judge, Court of Small Causes, Bangalore and set aside the order made on 18.4-1998 in the said case.

This petition coming on for hearing this day, the Court made the following:-

O R D E R

Petitioner has challenged the order of eviction passed in HRC No.1134/92 filed by respondents-1 to 5 against the 6th respondent. Petitioner is not a party to the petition.

2. Petitioner contends that while passing the order of eviction, the Court has directed that if 6th respondent does not deliver the vacant possession to respondents-1 to 5, they will be at liberty to vacate the 6th respondent and the person in occupation of it. According to him, he is in possession and therefore he is adversely affected by the order and therefore he is entitled to file this petition even though he is not a party to the eviction petition.

RMR ...3..

3. It is not disputed by learned counsel for the petitioner that during the pendency of eviction proceedings, petitioner herein had made an application for impleading. That application was considered by the Court and the application was rejected. It is also conceded by learned counsel for the petitioner that the said order was challenged before this Court and this Court did not interfere with the order rejecting his application for impleading. In the circumstances, petitioner cannot maintain this petition. If he is in anyway aggrieved by the order, it is open to him to have recourse to such remedy as may be available in law including filing of an independent suit. Petition is rejected as not maintainable.

Sd/-
JUDGE